

REMARKS

The application is believed to be in condition for allowance.

Claims 1-23 were examined.

Allowance of claim 23 is acknowledged.

There are no outstanding formal matters.

Claims 1-22 stand rejected as obvious over RUBIN 6,108,365 in view of AMRO et al. 6,292,747.

As previously reviewed, the present invention relates to a message reception device and a message reception method for deciding the timing for delivering a received message to a user based on the user's current position.

In this regard, the present invention provides that selected received messages, e.g., e-mails with a valid geographic position range, are temporarily stored in a message storage unit. A message delivery assessment unit periodically (Figure 7, step 34) compares the valid geographic position range specified by stored messages with a current geographic position (obtained by a positioning unit).

In this way, the invention determines if the message reception device is currently within the valid geographic position range specified by any of the stored messages. When the user is within any of the specified valid geographic position ranges, a message delivery unit delivers the corresponding message to a user. As a result, the message reception device can

deliver the messages appropriate (valid) to a current geographic position of the user.

Thus, the invention advantageously receives and stores messages, e.g., e-mails, so that the messages can be delivered at a time when the message device is in an appropriate geographic location. In this way messages can be received and stored and if, at a first time, the current geographic position is determined to be outside the stored valid geographic position range of each stored message, no stored message is delivered. However, if at a later second time, upon the current geographic position being determined to be within one of the stored valid geographic position ranges, the corresponding one of the stored messages is delivered to the user.

RUBIN discloses a set-top GPS data access system wherein (see Abstract) an integrated receiver decoder (IRD), commonly called a set-top box, has a global positioning system (GPS) receiver. The GPS receiver checks to see if the IRD is, at the present moment in time, at an authorized location and allows descrambling of video signals only if the location is authorized.

Since set-top boxes do not move (change the geographic location), there is no need to save a received message to determine if the set-top box will at some later time be at an appropriate geographic location.

The set-top box serves as a customer access control and establishes different geographic restrictions on different of

various video or data signals. The customers are at fixed locations. Location-specific signals require that the set-top box be at a single fixed location for descrambling.

RUBIN does not disclose a portable message reception means. Set-top boxes are not portable.

RUBIN does not disclose application to e-mails.

Although RUBIN does teach location-specific signals being decoded, RUBIN does not teach or suggest the concept of storing the message content and then, at regular time intervals, assessing whether the message device is within a position geographic range where, if at a first time, the device is not within the position geographic range, the message is not delivered, but at a second, later time the device is within the valid position geographic range, the message is then delivered.

Page 14 of the Official Action acknowledges RUBIN fails to teach the central concepts of the recited invention.

As is additionally acknowledged on page 4 of the Official Action, RUBIN does not disclose the recited "message delivery assessment means for repeatedly, based on a standby period of time interval, assessing whether the current geographic position is within the geographic position range of the identified message so that after each time interval, the assessment means assesses whether the current geographic position is within the geographic position range in order to deliver the

identified message at a time when the device is within the geographic position range".

AMRO has been offered for this message delivery assessment means. In general, AMRO concerns a wireless communication device that includes a location device (GPS). Travel/location information is broadcast between vehicles. See the Abstract.

As to the recited message delivery assessment means, the Official Action offers column 1, lines 46-62 and column 3, lines 55-67.

The first passage is reproduced below:

"The problems identified above [as to identifying the existence of other travelers in a local vicinity and communicating with these travelers] are in large part addressed by a wireless network and an associated communication device according to the present invention. The communication device is typically mounted in a first vehicle and includes a location device, such as a global positioning system receiver, suitable for determining the first vehicle's geographic position, a wireless transceiver enabled to communicate with a wireless transceiver of a second vehicle within a wireless range of the first vehicle, and a processor connected to the wireless transceiver and the location device. The processor is able to use the wireless transceiver and the location device to broadcast travel information of the first vehicle and to identify the

presence of the second vehicle. The processor may also be enabled to display the position of the second vehicle on a display screen of the communication device or to enable the first vehicle to communicate with the second vehicle."

The passage from column 3 is reproduced below:

"The GPS is a network of 24 satellites that orbit the Earth and make it possible for people with ground receivers to pinpoint their geographic location within approximately 100 to 10 meters. The GPS satellites orbit the Earth in precise orbits. The satellites are positioned such that at least four of the satellites are above the horizon any point on Earth at all times. Each GPS satellite includes a computer, an atomic clock, and a radio. Because the satellite orbits are well defined and the atomic clocks are extremely accurate, each satellite can continuously broadcast its changing position and time."

Thus, these passages teach GPS in general and to use GPS to identify other local travelers for communicating in real time with these other local travelers.

On page 5 of the Official Action, it is stated that RUBIN would be modified by AMRO "of providing [a] network that facilitates the gathering and distribution [o]f travel information to enable travelers of all types to determine the identity or existence of other[] travelers in their vicinity and to communicate with these travelers thereby resulting in more efficient, safe, and [] comfortable travel as stated by Amro".

It is not disagreed that AMRO makes such a teaching as to wireless communication devices for vehicles. But why such features would be beneficial (or obvious) in RUBIN is not clear.

However, even if combined, the recited features of the invention do not result in the RUBIN device, as modified by AMRO. The thus-modified device would be a set-top box that communicates with local travelers, the communications being in real time. There is no teaching of a first traveler receiving a message from a second traveler and then repeatedly, based on a standby period of time, assessing whether the current location of the first traveler is within some geographic position range of the second traveler in order to decide whether or not to deliver the received message. AMRO teaches to assess whether two travelers are currently close to each other and then to provide real-time communications.

The recited message delivery assessment means of the independent claims is not taught by AMRO.

Neither AMRO nor RUBIN teaches receiving a message and then periodically deciding if it is appropriate to deliver the message based on geographic positioning. Each reference teaches receiving messages and determining, AT THAT TIME, whether delivery is appropriate based on current geographic positioning.

Neither reference teaches "repeatedly, based on a standby period of time interval, assessing whether the current geographic position is within the geographic position range of

the identified message so that after each time interval, the assessment means assesses whether the current geographic position is within the geographic position range in order to deliver the identified message at a time when the device is within the geographic position range".

The obviousness rejection thus fails as to each independent claim. The dependent claims are allowable at least for depending from an allowable claim.

For example, claim 2 recites that the received message is an e-mail. RUBIN is offered for this feature. Although communicates are disclosed, there is no disclosure of e-mail.

Neither reference teaches the concept of messages having limited delivery times. Put another way (see claim 5), in the invention, **after each time interval**, the assessment means assesses whether the current geographic position is within the geographic position range in order to deliver the identified message as long as the delivery time limit is not exceeded, but after the time limit is exceeded, the assessment means discontinues assessing whether the current geographic position is within the geographic position range.

In view of the above, applicant respectfully submits that the pending claims are patentable over the prior art. Therefore, reconsideration and allowance of all the pending claims are respectfully requested.

Applicant believes that the present application is in condition for allowance and an early indication of the same is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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